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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 Adam Randolph Powell,
12 Plaintiff,
13 v.
14 Jeff Lynch, et al.,
15 Defendants.
No. 2:23-cv-00875-KJM-DMC-P
ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action under
18 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by
19 Eastern District of California local rules.

20 On January 12, 2024, the Magistrate Judge filed findings and recommendations,
21 which were served on the parties, and which contained notice that the parties may file objections
22 within the time specified therein. No objections to the findings and recommendations have been
23 filed.

24 The court presumes that any findings of fact are correct. *See Orand v. United*
25 *States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
26 reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations
27 of law by the magistrate judge are reviewed de novo by both the district court and [the appellate]
28 ////

1 court”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED as follows:

4 1. The findings and recommendations filed January 12, 2024, ECF No. 17,
5 are adopted in full.

6 2. This action shall proceed on Plaintiff’s complaint, ECF No. 1, as to
7 Plaintiff’s Eighth Amendment safety claim against Defendants Moirara and Lively.

8 3. Plaintiff’s claims against Defendant Lynch are DISMISSED for failure to
9 state a claim.

10 4. The Clerk of the Court is directed to terminate Lynch as a defendant to this
11 action.

12 5. This matter is referred back to the assigned Magistrate Judge for further
13 proceedings.

14 DATED: April 3, 2024.

15 
16 CHIEF UNITED STATES DISTRICT JUDGE

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